

106TH CONGRESS  
1ST SESSION

# S. 1428

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act relating to the manufacture, traffick, import, and export of amphetamine and methamphetamine, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. DeWINE, Mr. BIDEN, Mr. THURMOND, Mr. BOND, Mr. SMITH of Oregon, Mr. HELMS, Mr. REID, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act relating to the manufacture, traffick, import, and export of amphetamine and methamphetamine, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Methamphetamine  
5       Anti-Proliferation Act of 1999”.

1 **SEC. 2. MANUFACTURING AND DISTRIBUTION OF AMPHET-**  
2 **AMINE.**

3 (a) MANUFACTURE OR DISTRIBUTION OF SUBSTAN-  
4 TIAL QUANTITIES OF AMPHETAMINE.—Subparagraph (A)  
5 of section 401(b)(1) of the Controlled Substances Act (21  
6 U.S.C. 841(b)(1)) is amended—

7 (1) by striking “or” at the end of clause (vii);

8 (2) by adding “or” at the end of clause (viii);

9 and

10 (3) by inserting after clause (viii) the following  
11 new clause:

12 “(ix) 50 grams or more of amphetamine, its  
13 salts, optical isomers, and salts of its optical isomers  
14 or 500 grams or more of a mixture or substance  
15 containing a detectable amount of amphetamine, its  
16 salts, optical isomers, or salts of its optical iso-  
17 mers;”.

18 (b) MANUFACTURE OR DISTRIBUTION OF LESSER  
19 QUANTITIES OF AMPHETAMINE.—Subparagraph (B) of  
20 such section 401(b)(1) is amended—

21 (1) by striking “or” at the end of clause (vii);

22 (2) by adding “or” at the end of clause (viii);

23 and

24 (3) by inserting after clause (viii) the following  
25 new clause:

1           “(ix) 5 grams or more of amphetamine, its  
 2           salts, optical isomers, and salts of its optical isomers  
 3           or 50 grams or more of a mixture or substance con-  
 4           taining a detectable amount of amphetamine, its  
 5           salts, optical isomers, or salts of its optical iso-  
 6           mers;”.

7 **SEC. 3. IMPORT AND EXPORT OF AMPHETAMINE.**

8           (a) IMPORT OR EXPORT OF SUBSTANTIAL QUAN-  
 9           TITIES OF AMPHETAMINE.—Paragraph (1) of section  
 10          1010(b) of the Controlled Substances Import and Export  
 11          Act (21 U.S.C. 960(b)) is amended—

12           (1) by striking “or” at the end of subparagraph  
 13           (G);

14           (2) by striking the period at the end of sub-  
 15           paragraph (H) and inserting “; or”; and

16           (3) by inserting after subparagraph (H) the fol-  
 17           lowing new subparagraph:

18           “(I) 50 grams or more of amphetamine, its  
 19           salts, optical isomers, and salts of its optical isomers  
 20           or 500 grams or more of a mixture or substance  
 21           containing a detectable amount of amphetamine, its  
 22           salts, optical isomers, or salts of its optical iso-  
 23           mers;”.

1 (b) IMPORT OR EXPORT OF LESSER QUANTITIES OF  
 2 AMPHETAMINE.—Paragraph (2) of such section 1010(b)  
 3 is amended—

4 (1) by striking “or” at the end of subparagraph  
 5 (G);

6 (2) by striking the period at the end of sub-  
 7 paragraph (H) and inserting “; or”; and

8 (3) by inserting after subparagraph (H) the fol-  
 9 lowing new subparagraph:

10 “(I) 5 grams or more of amphetamine, its salts,  
 11 optical isomers, and salts of its optical isomers or 50  
 12 grams or more of a mixture or substance containing  
 13 a detectable amount of amphetamine, its salts, opti-  
 14 cal isomers, or salts of its optical isomers;”.

15 **SEC. 4. ENHANCED PUNISHMENT OF METHAMPHETAMINE**  
 16 **AND AMPHETAMINE LABORATORY OPERA-**  
 17 **TORS.**

18 (a) FEDERAL SENTENCING GUIDELINES.—

19 (1) IN GENERAL.—Pursuant to its authority  
 20 under section 994(p) of title 28, United States Code,  
 21 the United States Sentencing Commission shall  
 22 amend the Federal sentencing guidelines in accord-  
 23 ance with paragraph (2) with respect to any offense  
 24 relating to the manufacture, import, export, or  
 25 traffick in amphetamine or methamphetamine (in-

cluding an attempt or conspiracy to do any of the foregoing) in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall, with respect to each offense described in paragraph (1)—

(A) increase the base offense level for the offense so that the base offense level is the same as the base offense level applicable to an identical amount of methamphetamine; or

(B) if the offense created a substantial risk of danger to the health and safety of a minor or incompetent, increase the base offense level for the offense by not less than 6 offense levels above the level established under subparagraph (A).

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to

1       this subsection as soon as practicable after the date  
 2       of the enactment of this Act in accordance with the  
 3       procedure set forth in section 21(a) of the Sen-  
 4       tencing Act of 1987 (Public Law 100–182), as  
 5       though the authority under that Act had not ex-  
 6       pired.

7       (b) EFFECTIVE DATE.—The amendments made pur-  
 8       suant to this section shall apply with respect to any of-  
 9       fense occurring on or after the date that is 60 days after  
 10      the date of the enactment of this Act.

11   **SEC. 5. ADVERTISEMENTS FOR DRUG PARAPHERNALIA**  
 12                           **AND SCHEDULE I CONTROLLED SUBSTANCES.**

13       (a) DRUG PARAPHERNALIA.—Section 422 of the  
 14      Controlled Substances Act (21 U.S.C. 863) is amended—

15               (1) in subsection (a)(1), by inserting “, directly  
 16               or indirectly advertise for sale,” after “sell”; and

17               (2) by adding at the end the following:

18               “(g) In this section, the term ‘directly or indirectly  
 19               advertise for sale’ includes the use of any communication  
 20               facility (as that term is defined in section 403(b)) to post,  
 21               publicize, transmit, publish, link to, broadcast, or other-  
 22               wise advertise any matter (including a telephone number  
 23               or electronic or mail address) knowing that such matter  
 24               has the purpose of seeking or offering, or is designed to

1 be used, to receive, buy, distribute, or otherwise facilitate  
2 a transaction in.”.

3 (b) SCHEDULE I CONTROLLED SUBSTANCES.—Sec-  
4 tion 403(c) of such Act (21 U.S.C. 843(c)) is amended—

5 (1) in the first sentence, by inserting before the  
6 period the following: “, or to directly or indirectly  
7 advertise for sale (as that term is defined in section  
8 422(g)) any Schedule I controlled substance”; and

9 (2) in the second sentence, by striking “term  
10 ‘advertisement’ ” and inserting “term ‘written adver-  
11 tisement’ ”.

12 **SEC. 6. CONTINUING CRIMINAL ENTERPRISES.**

13 Section 408 of the Controlled Substances Act (21  
14 U.S.C. 848) is amended—

15 (1) in subsection (c)(2)—

16 (A) in the matter preceding subparagraph  
17 (A), by striking “violations of” and inserting “3  
18 or more acts made punishable by”; and

19 (B) in subparagraph (A), by striking “are”  
20 and inserting “series is”; and

21 (2) by inserting after subsection (e) the fol-  
22 lowing new subsection:

23 “(f) This section may not be construed to require,  
24 in any trial before a jury, unanimity as to the identities  
25 of—

1 “(1) the predicate acts specified in subsection  
2 (c)(2); or

3 “(2) the other persons specified in subsection  
4 (c)(2)(A).”.

5 **SEC. 7. MANDATORY RESTITUTION FOR VIOLATIONS OF**  
6 **CONTROLLED SUBSTANCES ACT AND CON-**  
7 **TROLLED SUBSTANCES IMPORT AND EXPORT**  
8 **ACT RELATING TO AMPHETAMINE AND**  
9 **METHAMPHETAMINE.**

10 (a) MANDATORY RESTITUTION.—Section 413(q) of  
11 the Controlled Substances Act (21 U.S.C. 853(q)) is  
12 amended—

13 (1) in the matter preceding paragraph (1), by  
14 striking “may” and inserting “shall”;

15 (2) by inserting “amphetamine or” before  
16 “methamphetamine” each place it appears; and

17 (3) in paragraph (2)—

18 (A) by inserting “, the State or local gov-  
19 ernment concerned, or both the United States  
20 and the State or local government concerned”  
21 after “United States” the first place it appears;  
22 and

23 (B) by inserting “or the State or local gov-  
24 ernment concerned, as the case may be,” after  
25 “United States” the second place it appears.



1 (b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUS-  
 2 TICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of  
 3 title 28, United States Code, is amended—

4 (1) by striking “and” at the end of subpara-  
 5 graph (B);

6 (2) by striking the period at the end of sub-  
 7 paragraph (C) and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(D) all amounts collected—

10 “(i) by the United States pursuant to a re-  
 11 imbursement order under paragraph (2) of sec-  
 12 tion 413(q) of the Controlled Substances Act  
 13 (21 U.S.C. 853(q)); and

14 “(ii) pursuant to a restitution order under  
 15 paragraph (1) or (3) of section 413(q) of the  
 16 Controlled Substances Act for injuries to the  
 17 United States.”.

18 **SEC. 8. ENDANGERING HUMAN LIFE OR THE ENVIRON-**  
 19 **MENT WHILE ILLEGALLY MANUFACTURING**  
 20 **CONTROLLED SUBSTANCES.**

21 (a) HARM TO THE ENVIRONMENT.—(1) Section 417  
 22 of the Controlled Substances Act (21 U.S.C. 858) is  
 23 amended by inserting “or the environment” after “to  
 24 human life”.

1       (2) The table of contents for that Act is amended  
 2 in the item relating to section 417 by inserting “or the  
 3 environment” after “to human life”.

4       (b) ENHANCED PENALTY FOR ESTABLISHMENT OF  
 5 MANUFACTURING OPERATION.—That section is further  
 6 amended—

7           (1) by inserting “(a)” before “Whoever”;

8           (2) in subsection (a), as so designated—

9               (A) by inserting “or violating section 416,”  
 10 after “to do so,” the first place it appears; and

11               (B) by striking “shall be fined” and all  
 12 that follows and inserting “shall be imprisoned  
 13 not less than 10 years nor more than 40 years,  
 14 and, in addition, may be fined in accordance  
 15 with title 18, United States Code.”; and

16           (3) by adding at the end the following:

17       “(b) Any penalty under subsection (a) for a violation  
 18 that is also a violation of section 416 shall be in addition  
 19 to any penalty under section 416 for such violation.”.

20       (c) NATURE OF PARTICULAR CONDUCT.—That sec-  
 21 tion is further amended by adding at the end the following:

22       “(c) In any case where the conduct at issue is, relates  
 23 to, or involves the manufacture of amphetamine or meth-  
 24 amphetamine, such conduct shall, by itself, be rebuttably  
 25 presumed to constitute the creation of a substantial risk

1 of harm to human life or the environment within the  
 2 meaning of subsection (a).”.

3 **SEC. 9. CRIMINAL PROHIBITION ON DISTRIBUTION OF CER-**  
 4 **TAIN INFORMATION RELATING TO THE MAN-**  
 5 **UFACTURE OF CONTROLLED SUBSTANCES.**

6 (a) IN GENERAL.—Part I of title 18, United States  
 7 Code, is amended by inserting after chapter 21 the fol-  
 8 lowing new chapter:

9 **“CHAPTER 22—CONTROLLED**  
 10 **SUBSTANCES**

“Sec.

“421. Distribution of information relating to manufacture of controlled sub-  
 stances.

11 **“§ 421. Distribution of information relating to manu-**  
 12 **facture of controlled substances**

13 “(a) PROHIBITION ON DISTRIBUTION OF INFORMA-  
 14 TION RELATING TO MANUFACTURE OF CONTROLLED  
 15 SUBSTANCES.—

16 “(1) CONTROLLED SUBSTANCE DEFINED.—In  
 17 this subsection, the term ‘controlled substance’ has  
 18 the meaning given that term in section 102(6) of the  
 19 Controlled Substances Act (21 U.S.C. 802(6)).

20 “(2) PROHIBITION.—It shall be unlawful for  
 21 any person—

22 “(A) to teach or demonstrate the manufac-  
 23 ture of a controlled substance, or to distribute  
 24 by any means information pertaining to, in

whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

“(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

**“22. Controlled Substances ..... 421”.**

**SEC. 10. NOTICE; CLARIFICATION.**

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: “With respect to any issuance

1 under this section or any other provision of law (including  
 2 section 3117 and any rule), any notice required, or that  
 3 may be required, to be given may be delayed pursuant to  
 4 the standards, terms, and conditions set forth in section  
 5 2705, unless otherwise expressly provided by statute.”.

6 (b) CLARIFICATION.—(1) Section 2(e) of Public Law  
 7 95–78 (91 Stat. 320) is amended by adding at the end  
 8 the following:

9 “Subdivision (d) of such rule, as in effect on this date,  
 10 is amended by inserting ‘tangible’ before ‘property’ each  
 11 place it occurs.”.

12 (2) The amendment made by paragraph (1) shall  
 13 take effect on the date of the enactment of this Act.

14 **SEC. 11. TRAINING FOR DRUG ENFORCEMENT ADMINIS-**  
 15 **TRATION AND STATE AND LOCAL LAW EN-**  
 16 **FORCEMENT PERSONNEL RELATING TO**  
 17 **CLANDESTINE LABORATORIES.**

18 (a) IN GENERAL.—

19 (1) REQUIREMENT.—The Administrator of the  
 20 Drug Enforcement Administration shall carry out  
 21 the programs described in subsection (b).

22 (2) DURATION.—The duration of any program  
 23 under that subsection may not exceed 3 years.

24 (b) COVERED PROGRAMS.—The programs described  
 25 in this subsection are as follows:

1           (1) ADVANCED MOBILE CLANDESTINE LABORA-  
2           TORY TRAINING TEAMS.—A program of advanced  
3           mobile clandestine laboratory training teams, which  
4           shall provide information and training to State and  
5           local law enforcement personnel in techniques uti-  
6           lized in conducting undercover investigations and  
7           conspiracy cases, and other information designed to  
8           assist in the investigation of the illegal manufac-  
9           turing and trafficking of amphetamine and meth-  
10          amphetamine.

11          (2) BASIC CLANDESTINE LABORATORY CERTIFI-  
12          CATION TRAINING.—A program of basic clandestine  
13          laboratory certification training, which shall provide  
14          information and training—

15                (A) to Drug Enforcement Administration  
16                personnel and State and local law enforcement  
17                personnel for purposes of enabling such per-  
18                sonnel to meet any certification requirements  
19                under law with respect to the handling of  
20                wastes created by illegal amphetamine and  
21                methamphetamine laboratories; and

22                (B) to State and local law enforcement  
23                personnel for purposes of enabling such per-  
24                sonnel to provide the information and training

1 covered by subparagraph (A) to other State and  
2 local law enforcement personnel.

3 (3) CLANDESTINE LABORATORY RECERTIFI-  
4 CATION AND AWARENESS TRAINING.—A program of  
5 clandestine laboratory recertification and awareness  
6 training, which shall provide information and train-  
7 ing to State and local law enforcement personnel for  
8 purposes of enabling such personnel to provide recer-  
9 tification and awareness training relating to clandes-  
10 tine laboratories to additional State and local law  
11 enforcement personnel.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated for each of fiscal years  
14 2000, 2001, and 2002 amounts as follows:

15 (1) \$1,500,000 to carry out the program de-  
16 scribed in subsection (b)(1).

17 (2) \$3,000,000 to carry out the program de-  
18 scribed in subsection (b)(2).

19 (3) \$1,000,000 to carry out the program de-  
20 scribed in subsection (b)(3).

21 **SEC. 12. COMBATTING METHAMPHETAMINE AND AMPHET-**  
22 **AMINE IN HIGH INTENSITY DRUG TRAF-**  
23 **FICKING AREAS.**

24 (a) IN GENERAL.—

1           (1) IN GENERAL.—The Director of National  
2       Drug Control Policy shall use amounts available  
3       under this section to combat the trafficking of meth-  
4       amphetamine and amphetamine in areas designated  
5       by the Director as high intensity drug trafficking  
6       areas.

7           (2) ACTIVITIES.—In meeting the requirement  
8       in paragraph (1), the Director shall—

9                   (A) employ additional Federal law enforce-  
10                  ment personnel, or facilitate the employment of  
11                  additional State and local law enforcement per-  
12                  sonnel, including agents, investigators, prosecu-  
13                  tors, laboratory technicians, and chemists; and

14                   (B) carry out such other activities as the  
15                  Director considers appropriate.

16       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
17       authorized to be appropriated to carry out this section—

18                   (1) \$5,000,000 for fiscal year 2000; and

19                   (2) such sums as may be necessary for each of  
20       fiscal years 2001 through 2004.

21       (c) APPORTIONMENT OF FUNDS.—

22                   (1) FACTORS IN APPORTIONMENT.—The Direc-  
23       tor shall apportion amounts appropriated for a fiscal  
24       year pursuant to the authorization of appropriations  
25       in subsection (b) for activities under subsection (a)



1 among and within areas designated by the Director  
2 as high intensity drug trafficking areas based on the  
3 following factors:

4 (A) The number of methamphetamine  
5 manufacturing facilities and amphetamine man-  
6 ufacturing facilities discovered by Federal,  
7 State, or local law enforcement officials in the  
8 previous fiscal year.

9 (B) The number of methamphetamine  
10 prosecutions and amphetamine prosecutions in  
11 Federal, State, or local courts in the previous  
12 fiscal year.

13 (C) The number of methamphetamine ar-  
14 rests and amphetamine arrests by Federal,  
15 State, or local law enforcement officials in the  
16 previous fiscal year.

17 (D) The amounts of methamphetamine,  
18 amphetamine, or listed chemicals (as that term  
19 is defined in section 102(33) of the Controlled  
20 Substances Act (21 U.S.C. 802(33)) seized by  
21 Federal, State, or local law enforcement offi-  
22 cials in the previous fiscal year.

23 (E) Intelligence data from the Drug En-  
24 forcement Administration showing trafficking  
25 and transportation patterns in methamphet-

1           amine, amphetamine, and listed chemicals (as  
2           that term is so defined).

3           (2) CERTIFICATION.—Before the Director ap-  
4           portions any funds under this subsection to a high  
5           intensity drug trafficking area, the Director shall  
6           certify that the law enforcement entities responsible  
7           for clandestine methamphetamine and amphetamine  
8           laboratory seizures in that area are providing labora-  
9           tory seizure data to the national clandestine labora-  
10          tory database at the El Paso Intelligence Center.

11          (d) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
12         more than 5 percent of the amount appropriated in a fiscal  
13         year pursuant to the authorization of appropriations for  
14         that fiscal year in subsection (b) may be available in that  
15         fiscal year for administrative costs associated with activi-  
16         ties under subsection (a).

17         **SEC. 13. COMBATING AMPHETAMINE AND METHAMPHET-**  
18                 **AMINE MANUFACTURING AND TRAFFICKING.**

19          (a) ACTIVITIES.—In order to combat the illegal man-  
20         ufacturing and trafficking in amphetamine and meth-  
21         amphetamine, the Administrator of the Drug Enforcement  
22         Administration may—

23                 (1) assist State and local law enforcement in  
24                 small and mid-sized communities in all phases of in-

1       vestigations related to such manufacturing and traf-  
2       ficking;

3           (2) staff additional regional enforcement and  
4       mobile enforcement teams related to such manufac-  
5       turing and trafficking;

6           (3) establish additional resident offices and  
7       posts of duty to assist State and local law enforce-  
8       ment in rural areas in combating such manufac-  
9       turing and trafficking;

10          (4) provide the Special Operations Division of  
11       the Administration with additional agents and staff  
12       to collect, evaluate, interpret, and disseminate crit-  
13       ical intelligence targeting the command and control  
14       operations of major amphetamine and methamphet-  
15       amine manufacturing and trafficking organizations;  
16       and

17          (5) carry out such other activities as the Ad-  
18       ministrator considers appropriate.

19       (b) ADDITIONAL POSITIONS AND PERSONNEL.—In  
20       carrying out activities under subsection (a), the Adminis-  
21       trator may establish in the Administration not more than  
22       50 full-time positions, including not more than 31 special-  
23       agent positions, and may appoint personnel to such posi-  
24       tions.

1       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated for the Drug Enforce-  
 3 ment Administration for each fiscal year after fiscal year  
 4 1999, \$6,500,000 for purposes of carrying out the activi-  
 5 ties authorized by subsection (a) and employing personnel  
 6 in positions established under subsection (b).

7 **SEC. 14. ENVIRONMENTAL HAZARDS ASSOCIATED WITH IL-**  
 8 **LEGAL MANUFACTURE OF AMPHETAMINE**  
 9 **AND METHAMPHETAMINE.**

10       (a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE  
 11 ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of  
 12 title 28, United States Code, is amended—

13           (1) by inserting “(i) for” before “disburse-  
 14 ments”;

15           (2) by inserting “and” after the semicolon; and

16           (3) by adding at the end the following:

17                   “(ii) for payment for—

18                           “(I) costs incurred by or on be-  
 19 half of the Drug Enforcement Admin-  
 20 istration in connection with the re-  
 21 moval of any hazardous substance or  
 22 pollutant or contaminant associated  
 23 with the illegal manufacture of am-  
 24 phetamine or methamphetamine; and

1 “(II) costs incurred by or on behalf of  
 2 a State or local government in connection  
 3 with such removal in any case in which  
 4 such State or local government has as-  
 5 sisted in a Federal prosecution relating to  
 6 amphetamine or methamphetamine;”.

7 (b) GRANTS UNDER DRUG CONTROL AND SYSTEM  
 8 IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of  
 9 the Omnibus Crime Control and Safe Streets Act of 1968  
 10 is amended by inserting before the semicolon the following:  
 11 “and to remove any hazardous substance or pollutant or  
 12 contaminant associated with the illegal manufacture of  
 13 amphetamine or methamphetamine”.

14 (c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

15 (1) ASSETS FORFEITURE FUND.—Any amounts  
 16 made available from the Department of Justice As-  
 17 sets Forfeiture Fund in a fiscal year by reason of  
 18 the amendment made by subsection (a) shall supple-  
 19 ment, and not supplant, any other amounts made  
 20 available to the Drug Enforcement Administration  
 21 in such fiscal year for payment of costs described in  
 22 section 524(c)(1)(E)(ii) of title 28, United States  
 23 Code, as so amended.

24 (2) GRANT PROGRAM.—Any amounts made  
 25 available in a fiscal year under the grant program

1 under section 501(b)(3) of the Omnibus Crime Con-  
2 trol and Safe Streets Act of 1968 for the removal  
3 of hazardous substances or pollutants or contami-  
4 nants associated with the illegal manufacture of am-  
5 phetamine or methamphetamine by reason of the  
6 amendment made by subsection (b) shall supple-  
7 ment, and not supplant, any other amounts made  
8 available in such fiscal year for such removal.

9 **SEC. 15. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT**  
10 **INTERNET WEBSITES.**

11 Not later than 90 days after the date of the enact-  
12 ment of this Act, the head of each department, agency,  
13 and establishment of the Federal Government shall, in  
14 consultation with the Director of the Office of National  
15 Drug Control Policy, place antidrug messages on appro-  
16 priate Internet websites controlled by such department,  
17 agency, or establishment which messages shall, where ap-  
18 propriate, contain an electronic hyperlink to the Internet  
19 website, if any, of the Office.

20 **SEC. 16. MAIL ORDER REQUIREMENTS.**

21 Section 310(b)(3) of the Controlled Substances Act  
22 (21 U.S.C. 830(b)(3)) is amended—

23 (1) by redesignating subparagraphs (A) and  
24 (B) as subparagraphs (B) and (C), respectively;

1           (2) by inserting before subparagraph (B), as so  
2 redesignated, the following new subparagraph (A):

3           “(A) As used in this paragraph:

4               “(i) The term ‘drug product’ means  
5 an active ingredient in dosage form that  
6 has been approved or otherwise may be  
7 lawfully marketed under the Food, Drug,  
8 and Cosmetic Act for distribution in the  
9 United States.

10           “(ii) The term ‘valid prescription’  
11 means a prescription which is issued for a  
12 legitimate medical purpose by an individual  
13 practitioner licensed by law to administer  
14 and prescribe the drugs concerned and act-  
15 ing in the usual course of the practitioner’s  
16 professional practice.”;

17           (3) in subparagraph (B), as so redesignated, by  
18 inserting “or who engages in an export transaction”  
19 after “nonregulated person”; and

20           (4) adding at the end the following:

21           “(D) Except as provided in subparagraph  
22 (E), the following distributions to a nonregu-  
23 lated person, and the following export trans-  
24 actions, shall not be subject to the reporting re-  
25 quirement in subparagraph (B):

1 “(i) Distributions of sample packages  
2 of drug products when such packages con-  
3 tain not more than 2 solid dosage units or  
4 the equivalent of 2 dosage units in liquid  
5 form, not to exceed 10 milliliters of liquid  
6 per package, and not more than one pack-  
7 age is distributed to an individual or resi-  
8 dential address in any 30-day period.

9 “(ii) Distributions of drug products by  
10 retail distributors to the extent that such  
11 distributions are consistent with the activi-  
12 ties authorized for a retail distributor as  
13 specified in section 102(46).

14 “(iii) Distributions of drug products  
15 to a resident of a long term care facility  
16 (as that term is defined in regulations pre-  
17 scribed by the Attorney General) or dis-  
18 tributions of drug products to a long term  
19 care facility for dispensing to or for use by  
20 a resident of that facility.

21 “(iv) Distributions of drug products  
22 pursuant to a valid prescription.

23 “(v) Exports which have been re-  
24 ported to the Attorney General pursuant to  
25 section 1004 or 1018 or which are subject



1 to a waiver granted under section  
2 1018(e)(2).

3 “(vi) Any quantity, method, or type of  
4 distribution or any quantity, method, or  
5 type of distribution of a specific listed  
6 chemical (including specific formulations or  
7 drug products) or of a group of listed  
8 chemicals (including specific formulations  
9 or drug products) which the Attorney Gen-  
10 eral has excluded by regulation from such  
11 reporting requirement on the basis that  
12 such reporting is not necessary for the en-  
13 forcement of this title or title III.

14 “(E) The Attorney General may revoke  
15 any or all of the exemptions listed in subpara-  
16 graph (D) for an individual regulated person if  
17 he finds that drug products distributed by the  
18 regulated person are being used in violation of  
19 this title or title III. The regulated person shall  
20 be notified of the revocation, which will be ef-  
21 fective upon receipt by the person of such no-  
22 tice, as provided in section 1018(c)(1), and  
23 shall have the right to an expedited hearing as  
24 provided in section 1018(c)(2).”.

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